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FRAILTIES OF THE JURY. By Henry S. Wilcox of the Chicago Bar. Chicago: Legal Literature Co., 1907, pp. 142.

The preceding volumes of this series, on "Foibles of the Bench" and "Foibles of the Bar," have been reviewed in former issues of the MICH. LAW REVIEW. (See the numbers for December, 1906, and February, 1907). One of the reviewers damned his book with faint praise, the other left out the praise. Nevertheless, the several volumes seem to have appealed to the legal public. As evidence of this may be cited the two and a half page review of "Foibles of the Bench," in a recent issue of one of our leading legal periodicals. The reviewer of the "Frailties of the Jury" confesses that although there are some points to criticise in the little book, it has that first charm of literature insisted upon by Horace Greeley as a *sine qua non*; namely, that it is interesting reading. The rhythmical character of the prose in which it is written may account in part for its charm. There are many paragraphs that might be printed in blank verse form, with occasional changes of a word. For example, the iambic swing of the language is very marked in the characterization of the juryman whom the author calls

"CALVIN CURIOSITY"

"He was born with open eyes and came to see
The world; his ears were large and keen to hear;
His fingers long, and greatly he enjoyed
Their use; his mouth was large and filled with ruddy
Tissues, and when he saw a tempting viand
It watered with profusion. His health was rugged
And he was much alive on every plane.
All things of physical or mental nature,
Or those emotions which pertain to spirit,
And every dream and vision that were drawn
Upon imagination's walls, he longed
To grasp." (Cf. p. 30).

Like Ovid, the pleader-poet of antiquity, the author seems 'to lisp in numbers because the numbers come.'

The wit of this volume is a little less Aristophanic than that of its predecessors, a difference which may be due to the fact that the jury as a collective personality is lampooned rather than the individualities of the judge or lawyer.

THE PREPARATION AND CONTEST OF WILLS, with plans of, and extracts from, important wills. By Daniel S. Remsen, of the New York Bar. New York: Baker, Voorhis & Co., 1907. pp. xli, 839.

This book must certainly prove a most valuable working tool to the practicing lawyer. In scope and plan it is *sui generis* among works on the subject of wills, for, to quote from the author's preface: "The point of view here taken is *ante-mortem*; that is at a time when mistakes" (in plan-

ning and drawing wills) "may be avoided, or if already made may be corrected—a time when the most satisfactory and valuable professional services can be rendered. In other words, the plan here pursued is synthetic and preventive rather than analytical and remedial." While the main purpose of the book is to advise the lawyer in planning and drafting wills, it is very far from being a mere collection of "practical instructions" and of forms. The forms are in the shape of condensed statements of the general plans or structures of, and extracts from, seventy-eight of the most important wills drawn in this country in recent years, important in the sense that they contain the schemes of distribution of very large estates and comprise almost every conceivable variety of testamentary disposition, including absolute gifts, entailments, trusts, private and public charitable gifts and foundations. Among the wills thus used are those of Armour, the Astors, Belmont, the Evarts, Field, the Goelets, Leiter, the Minots, Pullman, the Stanfords, Thaw, Tiffany, the Vanderbilts and Whitney. Because of the range of subjects covered and the ability of the draftsmen of these wills, this collection makes the most valuable set of "forms" known to the present reviewer. These wills comprise Part II of the book. The main body of the work is in Part I, which as has been already stated contains a discussion of the law designed to aid the lawyer (1) in constructing a will adapted to the wishes of the testator and the peculiar conditions of his estate and family; (2) in preparing a will which shall accomplish the purpose of the testator without dispute, or which shall at least be able to withstand the much dreaded "contest;" and (3) in determining how and by whom a will may be contested.

This part of the work is not mere direction and suggestion to the clerical draftsman, but consists of a succinct statement of the important principles of the law of wills, supported by a somewhat meager, but probably adequate, citation of authorities, considering the function of the book. The author has relied to some extent upon the statement of principles found in leading texts rather than upon first sources, the cases; but this is hardly an objection in a work of this nature. About 2,000 cases are cited. Accompanying the statements of the different methods of accomplishing particular purposes and objects, is much valuable matter by way of suggestion as to the safest and best plan in view of the different circumstances under which testators may possibly be placed.

Among the subjects considered in this part of the work are: "Planning the Will;" "Taking Instructions;" "Designation of Donees;" "Donees of Special Character;" "Charitable and Religious Objects;" "Methods of Giving;" "Vesting of Gifts;" "Rule against Perpetuities;" "Conditions;" "Prevention of Lapse;" "Restraint on Alienation;" "Trusts;" "Powers;" "Management and Settlement of Estates;" "Executors, Trustees and Guardians;" "Execution of Wills;" "Contesting a Will."

Two valuable special features of the book are a digest of statutes affecting execution, and a series of three charts, one being a table of consanguinity; one a chart of testamentary gifts showing in graphic form the quality or degree of the estate given, the characteristic words of limitation, etc.;

and the third a chart of the vesting of estates and the classification with reference to the time of vesting, time of enjoyment, etc. While of course, only the barest outline of the difficult, technical and artificial rules relating to estates, can be given in such form, still these charts should be a very serviceable guide to the student and even to the lawyer.

The material in the book has been made readily available by means of an adequate index. This is especially true of the numerous points covered by the extracts from wills, which are called to the attention by marginal notations, and by heavy-type references in the general index.

The author's work, as a whole, has been carefully and accurately done, and displays a comprehensive knowledge of this very difficult field of practice. There has long been need of a book on wills written from the point of view above indicated, and the present work should well serve the function which its author has proposed for it.

H. M. B.